



\$ DAC 1624  
JFW

PATENT  
ATTORNEY DOCKET NO. 50125/041002

Certificate of Mailing: Date of Deposit: November 22, 2005

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Colleen Coyne  
Printed name of person mailing correspondence

Colleen Coyne  
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrea Aschenbrenner et al. Art Unit: 1624

Serial No.: 10/083,008 Examiner: K. Habte

U.S. Patent 6,949,567

Filed: February 26, 2002 Customer No.: 21559

Title: COMPOUNDS FOR THE TREATMENT OF PROTOZOAL DISEASE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705

In response to the Patent Term Adjustment indicated on the face of the above-captioned patent, Applicants hereby request reconsideration of this adjustment.

Applicants submit that the current patent term adjustment should be 405 days, i.e., the period of 57 days representing Patent Office delay during prosecution, as requested in Applicants' earlier filed Application for Patent Term Adjustment submitted June 16, 2004, plus 348 days of Patent Office delay in issuing this application as a patent.

The Office is direct to Applicants' summary of the crucial dates regarding the 57-

day delay during prosecution presented in their submission of June 16, 2004. This Application for Patent Term Adjustment has apparently not yet been considered by the Office.

Additional delay occurred between the payment of the issue fee and issuance of this case as a patent. The issue fee was paid on June 16, 2004, and the current patent issued September 27, 2005, a total Patent Office delay of 468 days. This time period is reduced by Applicants' delay in filing an Amendment under 37 C.F.R. 1.312, a total delay of 120 days (as indicated by the Patent Office PAIR page). This results in a patent term adjustment of 348 days.

Combining the 57-day delay during prosecution and the 348-day delay in issuance results in a total Patent Office delay of 405 days, and Applicants request this patent term adjustment.

Applicants note that the present patent application is not subject to a Terminal Disclaimer.

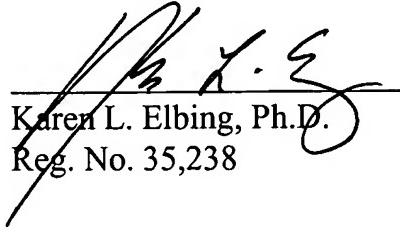
## CONCLUSION

Applicants submit that the current patent term adjustment should be 405 days and request reconsideration of the patent term adjustment.

Enclosed is a check in the amount of \$200.00 for the fee set forth in 37 C.F.R. § 1.18(e). If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 22 November 2006

  
Karen L. Elbing, Ph.D.  
Reg. No. 35,238

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045